

# **EXHIBIT 77**

**In the Matter Of:**

*HENRY v*

*BROWN UNIVERSITY*

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*STUART SCHMILL*

*June 05, 2024*

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1 an incident involving Mr. Millard in the  
2 late 2000s?

3 A. The late 2000s?

4 Q. 2018, 2016 to 2018?

5 MR. RYBNICEK: Object to the  
6 form.

7 A. Yeah. I mean, when you say  
8 incident, I mean I can see what I've  
9 written here, but...

10 Q. Okay. Let's finish with this  
11 document. So you wrote there are six names  
12 on that list that Bob recommended. Three  
13 we admitted and one we were going to, but  
14 the student withdrew after getting admitted  
15 Early Decision elsewhere. Of those four,  
16 they were all good academically. Two are  
17 very strong in all dimensions, as good as  
18 any of our admits, and two are students  
19 that we would really not have otherwise  
20 admitted.

21 Did you write that?

22 A. It looks like I did write that,  
23 yes.

24 Q. Okay. So there are two students,  
25 in your own words, that you would not have

1 admitted but for Mr. Millard's  
2 recommendation, right?

3 A. Yes.

4 Q. Okay. So there are instances  
5 where that might occur, right, that has  
6 occurred?

7 MR. RYBNICEK: Objection to form.

8 A. These were really the only two  
9 cases that we would have admitted someone  
10 because the chairman of the corporation had  
11 indicated his interest in that happening.

12 Q. Okay. Let's look at the rest of  
13 the e-mail.

14 The next paragraph says: He sent me  
15 notes on all of them, but he was very careful  
16 in his e-mails to say that I had autonomy and  
17 he made it clear to others that he could not  
18 influence things.

19 Do you see that?

20 A. I do.

21 Q. Okay. So you had discussions  
22 with Mr. Millard?

23 A. Yes, I did have a discussion with  
24 him about the candidates.

25 Q. Okay. You only had one

1 to talk about candidates, which is also where  
2 I got more insight as to who he thought was a  
3 priority. All that said, I still hope we can  
4 be careful about doing this in a way that  
5 doesn't implicate my discussing his influence.

6 What does that mean?

7 A. Well, so in the meeting that I  
8 had with Bob, he -- and I don't remember  
9 the exact form that this took -- but he  
10 indicated his interest to me in these two  
11 candidates in particular being admitted.  
12 Those are the two candidates that I was  
13 referencing that I said that they would not  
14 have otherwise been admitted if not for his  
15 interest.

16 And so, you know, that -- because  
17 that was contrary to our policies and  
18 contrary to the practices that we had long  
19 followed and still follow now, because it  
20 was contrary to those, I was uncomfortable  
21 with that, which is why I talked with Ian  
22 about it and I, you know, didn't -- I  
23 thought it was not -- again, it was  
24 contrary to what our practice has been and  
25 had been.